

1 MITCHELL D. GLINER, ESQ.  
2 Nevada Bar #003419  
3 3017 W. Charleston Blvd., Suite 95  
4 Las Vegas, NV 89102  
(702) 870-8700  
(702) 870-0034 Fax  
4 Attorney for Plaintiff

5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 RONALD L. BISHOP, )  
9 Plaintiff, ) No.  
vs. )  
10 HEATING & COOLING SUPPLY LLC )  
11 and BACKGROUND INVESTIGATIONS )  
12 OF WASHINGTON, LLC, )  
13 Defendants. )  
\_\_\_\_\_  
14 JURY DEMANDED

COMPLAINT

15 1. The jurisdiction of this Court is conferred by 15 U.S.C.  
16 § 1681p. Venue lies in the Southern Division of the Judicial  
17 District of Nevada as Plaintiff's claims arose from acts of the  
18 Defendants perpetrated therein.

19

20 PRELIMINARY STATEMENT

21 2. The Plaintiff brings this action for damages based upon  
22 Defendants' violations of the Fair Credit Reporting Act, 15 U.S.C.  
23 Section 1681 et seq. (hereinafter referred as the "FCRA").  
24 Plaintiff seeks actual damages, punitive damages, costs and  
25 attorney's fees.

26 3. Plaintiff is a natural person and is a resident and a  
27 citizen of the State of Nevada and of the United States. Plaintiff  
28 is a "consumer" as defined by § 1681a(c) of the FCRA.

1       4. The Defendant, Heating & Cooling Supply LLC (hereinafter  
2 referred to as HCS and/or "User") is a foreign limited liability  
3 company with its principal place of business in Coconut Grove, FL.

4       5. The Defendant, Background Investigations of Washington,  
5 LLC, (hereinafter referred to as BIW and/or "User") is a foreign  
6 limited liability company with its principal place of business in  
7 Lake Oswego, OR.

## CAUSE OF ACTION

### Statement of Facts

11       6. Plaintiff's business established a commercial charge  
12 account with HCS approximately 15 years ago.

13       7. The account was established with Plaintiff's business,  
14      Bishop Air Service (BAS) and not with Plaintiff individually.

15           8. HCS has intermittently sold air conditioning parts to BAS  
16 over the years.

17 9. Plaintiff has made no personal purchases from BAS.

18 10. Plaintiff has never provided a personal authorization for  
19 HCS to access his personal credit profile.

11. BAS was late making payments to HCS during 2010.

21        12. As a result, HCS terminated its credit account with BAS  
22 during October, 2010.

23           13. HCS then obtained Plaintiff's personal credit profile  
24 through BTW

25        14. At the time HCS acquired Plaintiff's profile neither  
26 Plaintiff nor BAS owed Defendants anything.

27       15. On or about May 13, 2011, Plaintiff received a credit  
28 report from Equifax Information Services, LLC (Exhibit 1). Exhibit

1       1 reflects that Users accessed Plaintiff's credit profile on April  
2       20, 2011.

3           16. The referenced inquiry has become a permanent component  
4       of the Plaintiff's credit profile and is reported to those who ask  
5       to review the credit history of the Plaintiff.

6           17. Upon best information and belief, Users agreed and  
7       represented in their agreements with the various credit reporting  
8       agencies that Users would request and use consumer reports which  
9       were obtained from said agencies only for purposes which are lawful  
10      under the FCRA as defined under § 1681b.

11          18. Users were required pursuant to FCRA §§ 1681b(f), 1681n  
12       and 1681o to refrain from obtaining consumer reports from credit  
13       reporting agencies under false pretenses.

14          19. At no time material hereto did Plaintiff ever have a  
15       relationship of any kind with Users as defined under FCRA  
16       § 1681b(a)(3)(A)-(F).

17          20. Users have never been ordered by a court of competent  
18       jurisdiction to issue a consumer report pursuant to FCRA  
19       § 1681b(a)(1). Plaintiff has never knowingly given written  
20       instructions to Users to obtain and/or release to a third party a  
21       consumer report of which Plaintiff was the subject pursuant to FCRA  
22       § 1681b(a)(2).

23          21. Users had an affirmative duty to follow reasonable  
24       procedures, including those that would prevent the impermissible  
25       accessing of consumer reports.

26          22. Reasonable procedures for users include restricting the  
27       ability of its agents to obtain consumer reports on consumers for  
28       any impermissible purpose.

1       23. Upon best information and belief, Users' illegal and  
2 surreptitious acquisition of Plaintiff's credit reports derived  
3 from an interest and priority well beyond the scope of the FCRA.

4           24. Users have, upon best information and belief, compromised  
5 their relationship with the various credit reporting agencies in  
6 falsifying the basis upon which Plaintiff's report was obtained.

7       25. Users have compromised Plaintiff's access to credit in  
8 imparting to past, present and future credit grantors that  
9 Plaintiff has applied for credit in tandem with a personal  
10 relationship with Users.

**Statement of Claim**

12           26. Defendants/Users willfully and/or negligently violated  
13 the provisions of the FCRA in the following respects:

15 a. Users have falsely, purposely, surreptitiously and  
16 maliciously obtained the Plaintiff's credit reports  
17 in violation of FCRA § 1681b(f).

18 b. Users have falsely, purposely, surreptitiously and  
19 maliciously obtained the Plaintiff's credit reports  
20 in violation of FCRA § 1681n.

### PRAYER FOR RELIEF

THEREFORE, Plaintiff prays that the court grant:

27                   a) actual damages;  
28                   b) punitive damages;

- c) attorney's fees; and
- e) costs.

Respectfully submitted,

MITCHELL D. GLINER, ESQ.  
Nevada Bar #003419  
3017 West Charleston Boulevard  
Suite 95  
Las Vegas, NV 89102  
Attorney for Plaintiff


[Print This Page](#)
[Close Window](#)

## Equifax Credit Report™ for Ronald L. Bishop

As of: 05/13/2011

Available until: 06/12/2011

Confirmation #: 1633679437

Report Does Not Update

Section Title	Section Description
1. <u>Credit Summary</u>	Summary of account activity
2. <u>Account Information</u>	Detailed account information
3. <u>Inquiries</u>	Companies that have requested or viewed your credit information
4. <u>Negative Information</u>	Bankruptcies, liens, garnishments and other judgments
5. <u>Personal Information</u>	Personal data, addresses, employment history
6. <u>Dispute File Information</u>	How to dispute information found on this credit report

### Credit Summary

Your Equifax Credit Summary highlights the information in your credit file that is most important in determining your credit standing by distilling key credit information into one easy-to-read summary.

### Accounts

Lenders usually take a positive view of individuals with a range of credit accounts - car loan, credit cards, mortgage, etc. - that have a record of timely payments. However, a high debt to credit ratio on certain types of revolving (credit card) accounts and installment loans will typically have a negative impact.

Open Accounts	Total Number	Balance	Available	Credit Limit	Debt to Credit Ratio	Monthly Payment Amount	Accounts with a Balance
<u>Mortgage</u>	3	\$834,386	\$57,695	\$892,081	94%	\$6,141	3
<u>Installment</u>	1	\$3,450	\$15,665	\$19,115	18%	\$244	1
<u>Revolving</u>	9	\$15,766	\$33,606	\$49,372	32%	\$463	2
<u>Other</u>	0	\$0	N/A	N/A	N/A	\$0	0
<b>Total</b>	<b>13</b>	<b>\$853,602</b>	<b>\$106,966</b>	<b>\$960,568</b>	<b>89%</b>	<b>\$6,848</b>	<b>6</b>

### Debt by Account Type

# EXHIBIT 1

Date Reported:	10/2009	Amount Past Due:
Date of Last Payment:	05/2004	Actual Payment Amount:
Scheduled Payment Amount:		Date of Last Activity: 05/2004
Date Major Delinquency First Reported:		Months Reviewed: 88
Creditor Classification:		Activity Designator: Paid and Closed
Charge Off Amount:		Deferred Payment Start Date:
Balloon Payment Amount:		Balloon Payment Date:
Date Closed:	02/2009	Type of Loan: Credit Card
Date of First Delinquency:	N/A	
Comments:	Account closed at consumers request	

#### 81-Month Payment History

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2009	*	*	*	*	*	*	*	*	*	*	*	*
2008	*	*	*	*	*	*	*	*	*	*	*	*
2007	*	*	*	*	*	*	*	*	*	*	*	*
2006	*	*	*	*	*	*	*	*	*	*	*	*
2005	*	*	*	*	*	*	*	*	*	*	*	*
2004	*	*	*	*	*	*	*	*	*	*	*	*
2003	*	*	*	*	*	*	*	*	*	*	*	*

[Back to Top](#)

#### Other Accounts

These are all accounts that do not fall into the other categories and can include 30-day accounts such as American Express.

You have no accounts classified as "Other" on file

[Back to Top](#)

#### Payment History Key

Meaning	Symbol	Meaning	Symbol
Pays or Paid as Agreed:	*	180+ Days Past Due:	180
30-59 Days Past Due:	30	Collection Account:	CA
60-89 Days Past Due:	60	Foreclosure:	F
90-119 Days Past Due:	90	Voluntary Surrender:	VS
120-149 Days Past Due:	120	Repossession:	R
150-179 Days Past Due:	150	Charge Off:	CO

#### Inquiries

A request for your credit history is called an inquiry. Inquiries remain on your credit report for two years. There are two types of inquiries those that may impact your credit rating and those that do not.

#### Inquiries that may impact your credit rating

These inquiries are made by companies with whom you have applied for a loan or credit.

**Name of Company**  
BACKGROUND  
INVESTIGATION::1633679437

**Date of Inquiry**

04/20/11

**Creditor Contact Information**  
BACKGROUND INVESTIGATION  
412 Jefferson Pkwy  
Lake Oswego, OR 970351232

CENTRAL BOILER, INC.

03/29/11, 11/16/09

**Creditor Contact Information**

CENTRAL BOILER, INC.  
20502 160th St  
Greenbush, MN 567269251

DISH NETWORK

12/07/09

**Creditor Contact Information**

DISH NETWORK  
9601 S Meridian Blvd  
Bldg 1 Flr 3 Cmo  
Englewood, CO 801125905

ELAVON ACQ

09/25/09

**Creditor Contact Information**

ELAVON ACQ  
7300 Chapman Hwy  
Knoxville, TN 379206612

LANDSAFE  
CREDIT::1633679437

07/22/10

**Creditor Contact Information**

LANDSAFE CREDIT  
1515 Walnut Grove Ave  
Rosemead, CA 917703710  
(800) 447-1692

LEXISNEXIS RISK &  
INFORMATION::1633679437

11/24/09

**Creditor Contact Information**

LEXISNEXIS RISK & INFORMATION  
6601 PARK OF COMMERCE BLVD  
BOCA RATON, FL 33487-8247

THE HOME DEPOT/CBSD

11/15/09

**Creditor Contact Information**

THE HOME DEPOT/CBSD  
Ccs Gray Ops Ctr  
541 Sid Martin Rd